

(12)

A PRECEPT OF THE ARCHBISHOP OF CANTERBURY FORBIDDING BARBERS TO CARRY ON THEIR TRADE ON SUNDAYS.

BY D'ARCY POWER, F.S.A.

A SHORT time ago I bought at a secondhand bookshop the precept which is here printed. It is dated April 19th, 1445. The parchment is gnawed by mice, but it is clearly written in courthand and it has been transcribed for me by Messrs. Hardy and Page, record agents, of London, to whom I owe my thanks. The English translation of the Latin original runs as follows:—

(Translation.)

John, by the permission of God, Archbishop of Canterbury, Primate of England and Legate of the [holy] Apostolic See, sufficiently and lawfully depufed judge, together with the others underwritten, hy the within written authority of the Apostolic See, to the venerable and religious man, the Abbot of the monastery of St. Peter of Westminster, and to all and singular incumbents with eures and without eures in the [precinets?] of the city and suburbs of London and of the jurisdiction of the abbot aforesaid, Greeting in the Saviour of all men. Know ye that we have lately received apostolic letters whole and entire, sealed with a bull in the manner of the Roman court, having no sign of defect or suspicion of fraud, in these words: Eugenius the servant of the servants of God, to his venerable brothers the Archbishop of Canterbury and Bishop of Winchester, and his beloved son the Dean of the church of London, Greeting and apostolic benediction. We gladly yield to the honest desires of supplicants, and reply to them with opportune favours. By a representation formerly made on the part of our well-beloved sons, the keepers and wardens of the art or mystery of the barbers dwelling in the city of London, to Pope Martin V., our predecessor, of blessed memory [it was shown] that whereas at a provincial council long since held by Thomas, Archbishop of Canterbury and Primate of England, and Legate of the Apostolic See, of good memory, and by thy suffragans, brother Archbishop, and other prelates of the province of Canterbury, it was reported that the barbers of the cities, towns and places of the said province, and especially [of the said ?] city and the suburbs thereof, contrary to divine law, the canonical ordinances and public credit, have presumed to keep their houses and shops open for the exercise of the same art on the Lord's days on which the Lord decreed that we should abstain from labour, and have dared publicly to exercise the same art; the same Thomas the Primate, with the advice and assent of the same suffragan prelates and elergy, decreed and ordained that the same barbers should be forthwith restrained from such their presumption by public inhibitions under penalty of [excommunication ?] and canonical censure,

charging and commanding the ecclesiastical persons then expressed that on every Sunday and feast-day they should solemnly publish and cause to be published this statute and ordinance in the churches there, and should inhibit and cause to be inhibited the said barbers, under pain of excommunication, from keeping their houses or shops open on the aforesaid Sundays for the said purpose, or causing them in any way so to be kept open; and a petition was also made on behalf of the same keepers and wardens to our same predecessor that he would deign with apostolic benevolence to confirm the statute and ordinance aforesaid with the protection of apostolic force. Our same predecessor acceded to these petitions, and, ratifying and approving the statute and ordinance aforesaid, and all things depending thereon, confirmed them by apostolic authority, and fortified them by the protection of his writing, with the commands of his letters in order, to all and singular the prelates and parsons of the said province, that they should solemnly publish the statute and ordinance, and the contents and effect of the same letters, by the same authority, when and where they should think fit, and should cause such statute and ordinance to be irrefragably observed by means of ecclesiastical censures and other fitting legal remedies; and whensoever they should be lawfully thereto required, on the part of any of those whose business it might be, they should, on the aforementioned Sundays and festival days, when there is the greatest concourse of people there to divine service, publicly announce, and cause to be announced by others, the excommunication of all and singular those barbers, present and to come, who should be known to have incurred such sentence of excommunication by reason of transgression of the same statute and ordinance, and that they shall be shunned by all until they have deserved to obtain the benefit of absolution from the said sentence of excommunication, as in the letters of our said predecessor thereupon drawn up more fully is contained. But whereas, as is shown in the petition lately laid before us on behalf of the said keepers and wardens, certain members of this art or mystery, dwelling within the places and limits of the churches and monasteries of the province and of the city and diocese, and especially of the church of St. Martin le Grand of London and of the monastery of Westminster in the said diocese, and alleging the exemptions of themselves and of such places, made both by apostolic and royal authority, and by reason of such exemption vilipending both statute and ordinance and the mandate, presume on the aforementioned days to keep their houses and shops open for the purpose aforesaid, We therefore, reprobating this rash presumption, duly [hereby] decreeing and declaring in our aforesaid discretion that such persons and places exempt are comprehended within the said statute and mandate, [and] by apostolic writings that you or two or [? one of you] cause [the said ?] or other such statute and ordinance, to be irrefragably observed by the persons and in the places exempt aforesaid where-soever you please, [as] elsewhere, according to the form and tenor of the letters and mandate of our said predecessor. Given at Rome, at St. Peter's in the year one thousand four hundred and thirty-one of the Incarnation of our Lord, 2 Non. April, in the first year of our Pontificate. By authority of which letters apostolic we charge and command you, that you admonish and effectually persuade all and singular the barbers living within your jurisdiction that they and all of them, on the Lord's days, on which our Lord decreed we should refrain from labour, shall by no means keep open their houses and shops for the exercise of their trade, or carry it on themselves or have it carried on by their servants, under penalty of the greater excommunication. And if you shall find any protesting against this, or opposing it, you shall peremptorily cite, or cause them to be cited, that they and each of them appear before us, or the auditor of our court for the hearing of causes and business, on the fifteenth day after the citation to them and each of them [issued], wheresoever we shall then be in our city, diocese or province of Canterbury, to set forth reasonable cause, if such they may have, why the said sentence of excommunication should not be promulgated against them, and further to do and receive what justice requires in that behalf. And what you shall have done in the premises you shall duly certify to us or our auditor in such said time and place, by your

letters patent containing the tenor of these presents, or that one of you who shall execute our mandate shall so certify. Given at our manor of Lambeth on the nineteenth day of April in the year of our Lord one thousand four hundred and forty-five, and in the second year of our translation.

John, Archbishop of Canterbury, was John Stafford, who succeeded in 1443 Archbishop Chichele, the founder of All Souls' College, Oxford. He was the son of Sir Humphrey Stafford, called "of the silver hand," sheriff of Somerset and Dorset, and was educated at Oxford, where he was D.C.L. before 1413. In 1419 he became Dean of the Court of Arches; in 1422 Dean of St. Martin's, London, where is now the General Post Office; in 1423, Dean of Wells; and in 1425 Bishop of Bath and Wells. In 1421 Stafford was made Keeper of the Privy Seal; in 1425 he was one of the Lords of Council during the minority of the king and he accompanied the young king to France in 1430. After his return to England he was made Chancellor in March, 1432, and he is the first who is known to have been called "Lord Chancellor." The novelty of the title is interestingly brought out in the precept, where he is content to describe himself simply as "judex." Stafford was a member of the commission appointed to try the offenders in Jack Cade's rebellion. He died at Maidstone on May 25th, 1452, and was buried in the "martyrdom" at Canterbury Cathedral. He was a cautious and experienced official who did no harm if he did but little good. In 1444 he decreed that in future no fairs or markets should be held in churches or churchyards on the Lord's day or holy days except in the four weeks of harvest.

The Abbot of Westminster, to whom the precept is also addressed, was Edmund Kerton, who became a monk of Westminster in 1403 and graduated B.D. from Gloucester Hall (Worcester College), Oxford, where he was prior of the Benedictine scholars in 1423. He visited Rome and preached before Pope Martin V. (1417-1431) and in 1437 he attended the council of Basel where he was cited to appear before Pope Eugenius IV. on a charge of heresy. Kerton, whose real name seems to have been Cobbledike, was elected Abbot of Westminster in 1440. He resigned on account of ill health in 1462 and died in 1466. His tomb in St. Andrew's Chapel, Westminster Abbey, formed part of a screen which he had himself designed. It has long since disappeared.

Pope Eugenius IV. was Gabriel Condulmier, a Venetian. His father died young and after distributing his fortune of 20,000 ducats to the poor in a fit of religious enthusiasm Gabriel entered the monastery of S. Giorgio d'Alga in Venice with his cousin Antonio Correr. Antonio's uncle was unexpectedly elected Pope Gregory XII., when Condulmier was made Bishop of Siena and Antonio Bishop of Bologna;

they were shortly afterwards chosen cardinals of the United Church. Condulmier was elected Pope on March 3rd, 1431, and he died at the age of 67 on Feb. 23rd, 1447. During his pontificate, and chiefly at his instigation, Fra Angelico decorated the Vatican chapel and the Pantheon was restored; his gates still adorn the central doorway at St. Peter's. In person he was tall and spare, handsome when young, imposing when old: a martyr to gout, though he drank nothing but water. He slept little and was reserved and retiring, rarely lifting his eyes from the ground on any public occasion. He was singularly uncultivated and was in no way distinguished for political capacity, yet he had to manage the affairs of the church at one of the most dangerous crises of her history.

Mr. Sidney Young, F.S.A., states in "The Annals of the Barber-Surgeons" that Thomas Arundell, Archbishop of Canterbury, denounced the barbers of London for Sunday trading in 1413. His precept is addressed to the mayor and aldermen of London, and after threatening the penalties of the greater excommunication it goes on to say: "But, dearest children, seeing that so greatly has the malice of men increased in these days, a thing to be deplored, that temporal punishment is held more in dread than clerical, and that which touches the body or the purse more than that which kills the soul, we do heartily intreat you, and, for the love of God and His law, do require and exhort you that taking counsel thereon, you will enact and ordain a competent penalty in money to be levied for the Chamber of your City, or such other purpose as you shall think best, upon the Barbers within the liberty of your City aforesaid, who shall be transgressors in this respect; that so, at least, those whom fear of the anger of God doth not avail to withhold from breach of His law, may be restrained by a scourge inflicted upon their purse, in the way of pecuniary loss." An ordinance was made in consequence of this precept to the effect that no barber, his wife, son, daughter, apprentice, or servant should work at such craft on Sundays within the liberty of the city either in hair cutting or shaving on pain of paying 6s. 8d. for each offence; 5s. thereof to go to the new work at the Guildhall and the remainder to the wardens or masters of the barbers within the city.

The document which is here printed recites the precept quoted by Mr. Sidney Young. It is dated 32 years later and is directed, as the context explains, against the barbers who shaved on Sundays and sheltered themselves by living in places exempt from ordinary episcopal visitation. The fact that such a second precept was issued has been lost sight of and for this reason, as well as for its interest as a contribution to a study of the development of Sunday observance in England, I have thought it worthy of preservation in the pages of THE LANCET.